REMARKS/ARGUMENTS

In the Office Action mailed January 30, 2008, claims 1-37 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

Objections to the Specification

The Office Action objects to the specification as failing to provide proper antecedent basis for the "computer readable storage medium" recited in claims 26-36. The rule 37 C.F.R. 1.75(d)(1) requires the terms and phrases used in the claims must find clear <u>support</u> or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable. In other words, support is required, and antecedent basis is simply one way of providing support, but antecedent basis is not the only way to provide support for the limitations of the claim. Further, MPEP 608.01(o) recognizes that an applicant is not limited to the nomenclature used in the application as filed. Hence, the MPEP also recognizes that the language of the claims does not have to be explicitly, or literally, supported by the description of the specification.

In the present application, the <u>originally filed claims 26-36 include the indicated language</u> related to the computer readable storage medium. Moreover, the claims are part of the specification. Although the detailed description section of the specification may not use the exact same terminology as the claims, Applicant submits that the specification otherwise supports the indicated language, at least because the originally filed claims include the indicated language and are part of the originally filed specification. Additionally, Applicant submits that the specification otherwise supports the indicated language, as explained in Applicant's previous response with regard to the rejections under 35 U.S.C. 112, second paragraph, which has been withdrawn. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

If the Examiner persists in this line of reasoning, Applicant would consider amending the specification to include at least some of the language from one or more of claims 26-36. While such an amendment to the specification would be supported by the language of the originally filed claims, it would seem to be an unnecessary exercise in

light of the language of the originally filed claims. Nevertheless, Applicant is amenable to resolving this issue raised by the Examiner.

Claim Rejections under 35 U.S.C. § 101

Claims 26-36 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action states that the "computer readable storage medium" might be broadly interpreted to include a medium for carrying signals or other forms of propagation or transmission media.

While the Office Action proposes a broad interpretation of the indicated claim language, Applicant respectfully submits that the indicated language recites a "storage medium," rather than a "transmission medium." Even though it may be possible for a storage medium to include some form of transmission medium, Applicant submits that the Examiner's proposed broad interpretation fails to consider the storage functionality of the recited computer readable storage medium. In other words, the indicated language recites a storage medium, which should not be interpreted so broadly as to vitiate the actual language of the claim. Hence, Applicant respectfully submits that the Office Action's proposed broad interpretation is not reasonable in light of the actual language of the claim because the proposed broad interpretation appears to ignore the implications of a storage medium. Accordingly, Applicant requests that the rejections of claims 26-36 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. §§ 102/103

Claims 1-5, 8-10, 19, 22, 23, 26-28, 31-33, and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Talwar et al. (U.S. Pat. Pub. No. 2005/0027863 A1, hereinafter Talwar). Additionally, claims 6, 7, 12, 13, 20, 21, 24, 29, 30, 35, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Talwar in view of Lumelsky et al. (U.S. Pat. No. 6,460,082 A1, hereinafter Lumelsky). Additionally, claims 11, 14, 15, 17, 18, and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Talwar in view of Bartlett et al. (U.S. Pat. Pub. No. 2004/0064480 A1, hereinafter Bartlett). Additionally, claims 16 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Talwar in view of Bartlett and Lumelsky. However, Applicant

respectfully submits that these claims are patentable over Talwar, Bartlett, and Lumelsky for the reasons provided below.

Claims 1-13

Applicant respectfully submits claim 1 is patentable over the cited reference because Talwar does not disclose all of the limitations of the claim. Claim 1 recites "a global user input module configured to allow a user to input <u>a parameter control request</u>, the parameter control request corresponding to <u>a performance parameter stored in a profile</u> in a memory device of the grid computing system" (emphasis added). Claim 1 also recites "a global parameter module configured to <u>dynamically change the performance parameter</u> according to the parameter control request, the performance parameter corresponding to a performance resource" (emphasis added).

In contrast, Talwar does not disclose a performance parameter stored in a profile and dynamically changing the performance parameter, as recited in the claim. Talwar merely describes allowing a user to submit a request for an interactive session. Talwar, paragraph 16, lines 1-3. The interactive session is an interaction between an end-user and a remote execution node. Talwar, paragraphs 14 (describes a global interactive session) and 15 (describes a per-application interactive session). The end-user can also specify a list of applications desired for the interactive session. Talwar, paragraph 28, lines 4-5. Talwar does not appear to describe any other types of requests from the end-user.

The interactive session request and the application request described in Talwar are not parameter control requests, within the context of the claim <u>as a whole</u>. Although the Office Action attempts to redefine the scope of the term "parameter control request," Applicant respectfully submits that the proposed interpretation fails to appreciate the context of the claim, as a whole. In particular, the Office Action suggests that a parameter control request may be "any type of request submit[ted] by an end-user." The Office Action proposes this interpretation as being reasonable because the indicated term is not explicitly defined in the present claim language. While the claim language may not include an explicit definition of the term "parameter control request," the Office Action fails to acknowledge the context provided in the claim for the indicated limitation. Specifically, the claim recites the parameter control request corresponds to a performance

parameter stored in a profile in a memory device of a grid computing system. Although the Office Action attempts to interpret the claimed parameter control request as "any type of request" submitted by an end-user, the Office Action fails to provide any support to show how "any type of request" submitted by an end-user might correspond to a performance parameter stored in a profile.

Moreover, the proposed interpretation of a parameter control request as "any type of request" submitted by a user fails to appreciate the context of the claim, as a whole, because the proposed interpretation does not effectuate a dynamic change of a performance parameter. Talwar describes using a service level agreement (SLA) to specify CPU and network bandwidth requirements for a session. However, Talwar does not disclose dynamically changing the CPU and network bandwidth requirements in response to a parameter control request or another type of request. Thus, even though Talwar appears to describe accessing an application profile to determine the CPU and bandwidth requirements for a particular session, Talwar does not describe dynamically changing the CPU and bandwidth requirements, or any other type of requirements, in response to a parameter control request.

Therefore, Talwar does not disclose all of the limitations of the claim because Talwar does not disclose dynamically changing the performance parameter according to a parameter control request, as recited in the claim. Accordingly, Applicant respectfully submits claim 1 is patentable over Talwar because Talwar does not disclose all of the limitations of the claim.

Given that claims 2-13 depend from and incorporate all of the limitations of independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 2-13 are also patentable over the cited reference based on an allowable base claim. Additionally, each of claims 2-13 may be allowable for further reasons. Accordingly, Applicant requests that the rejections of claims 1-13 under 35 U.S.C. § 102(e) and the rejections of claims 6, 7, and 11-13 under 35 U.S.C. § 103(a) be withdrawn.

<u>Claims 14-37</u>

Applicant respectfully asserts independent claims 14, 19, 22, 25, 26 and 37 are patentable over Talwar, either alone or in combination with Bartlett and/or Lumelsky, at least for one or more similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, each of claims 14, 19, 22, 25, 26, and 37 recites a parameter control request. Additionally, claim 14 recites synchronizing a client performance parameter with a client profile. Additionally, claims 22, 25, 26, and 37 recite dynamically changing a performance parameter, as discussed above. Here, although the language of claims 14, 19, 22, 25, 26, and 37 differs from the language of claim 1, and the scope of each of claims 14, 19, 22, 25, 26, and 37 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejections of claims 14, 19, 22, 25, 26, and 37. Accordingly, Applicant respectfully asserts claims 14, 19, 22, 25, 26, and 37 are patentable over Talwar, either alone or in combination with Bartlett and/or Lumelsky, because Talwar does not disclose a parameter control request and dynamically changing the performance parameter according to a parameter control request, as recited in the claims.

Given that claims 15-18, 20, 21, 23, 24, and 27-36 depend from and incorporate all of the limitations of the corresponding independent claims 14, 19, 22, 25, 26, and 37, which are patentable over the cited references, Applicant respectfully submits that dependent claims 15-18, 20, 21, 23, 24, and 27-36 are also patentable over the cited references based on allowable base claims. Additionally, each of claims 15-18, 20, 21, 23, 24, and 27-36 may be allowable for further reasons. Accordingly, Applicant requests that the rejections of claims 19, 22, 23, 25-28, 31-33, and 37 under 35 U.S.C. § 102(e) and the rejections of claims 14-18, 20, 21, 24, 29, 30, and 34-36 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the attorney listed below

Respectfully submitted,

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